

SO. CAL. EQUAL ACCESS GROUP  
Jason J. Kim (SBN 190246)  
Jason Yoon (SBN 306137)  
Kevin Hong (SBN 299040)  
101 S. Western Ave., Second Floor  
Los Angeles, CA 90004  
Telephone: (213) 252-8008  
Facsimile: (213) 252-8009  
cm@SoCalEAG.com

Attorneys for Plaintiff  
JARDINE GOUGIS

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

JARDINE GOUGIS,  
Plaintiff,  
vs.

LAYERS HAIR STUDIOS, LLC; GARY  
A. ZENTMYER; and DOES 1 to 10,  
Defendants.

**Case No.:**

COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR DENIAL  
OF CIVIL RIGHTS OF A DISABLED  
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES  
ACT, 42 U.S.C. §12131 et seq.;

2. CALIFORNIA'S UNRUH CIVIL  
RIGHTS ACT;

3. CALIFORNIA'S DISABLED  
PERSONS ACT;

4. CALIFORNIA HEALTH & SAFETY  
CODE;

5. NEGLIGENCE

Plaintiff JARDINE GOUGIS ("Plaintiff") complains of Defendants LAYERS  
HAIR STUDIOS, LLC; GARY A. ZENTMYER; and DOES 1 to 10 ("Defendants") and  
alleges as follows:

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**PARTIES**

1  
2 1. Plaintiff is a California resident with a physical disability. Plaintiff is  
3 diagnosed with osteoarthritis on both hips and is substantially limited in her ability to  
4 walk. Plaintiff requires the use of a wheelchair at all times when traveling in public.

5 2. Defendants are, or were at the time of the incident, the real property owners,  
6 business operators, lessors and/or lessees of the real property for a hair stylist  
7 (“Business”) located at or about 1432 Foothill Blvd, La Canada Flintridge, California.

8 3. The true names and capacities, whether individual, corporate, associate or  
9 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,  
10 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of  
11 Court to amend this Complaint when the true names and capacities have been  
12 ascertained. Plaintiff is informed and believes, and, based thereon, alleges that each such  
13 fictitiously named Defendants are responsible in some manner, and therefore, liable to  
14 Plaintiff for the acts herein alleged.

15 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant  
16 times, each of the Defendants was the agent, employee, or alter-ego of each of the other  
17 Defendants, and/or was acting in concert with each of the other Defendants, and in doing  
18 the things alleged herein was acting with the knowledge and consent of the other  
19 Defendants and within the course and scope of such agency or employment relationship.

20 5. Whenever and wherever reference is made in this Complaint to any act or  
21 failure to act by a defendant or Defendants, such allegations and references shall also be  
22 deemed to mean the acts and failures to act of each Defendant acting individually, jointly  
23 and severally.

24 **JURISDICTION AND VENUE**

25 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and  
26 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*  
27 *seq.*).  
28





1 such goods, services, facilities, privileges, advantages, or  
2 accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).

3 b. A failure to take such steps as may be necessary to ensure that no  
4 individual with a disability is excluded, denied services, segregated or  
5 otherwise treated differently than other individuals because of the  
6 absence of auxiliary aids and services, unless the entity can  
7 demonstrate that taking such steps would fundamentally alter the  
8 nature of the good, service, facility, privilege, advantage, or  
9 accommodation being offered or would result in an undue burden. 42  
10 U.S.C. § 12182(b)(2)(A)(iii).

11 c. A failure to remove architectural barriers, and communication barriers  
12 that are structural in nature, in existing facilities, and transportation  
13 barriers in existing vehicles and rail passenger cars used by an  
14 establishment for transporting individuals (not including barriers that  
15 can only be removed through the retrofitting of vehicles or rail  
16 passenger cars by the installation of a hydraulic or other lift), where  
17 such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).

18 d. A failure to make alterations in such a manner that, to the maximum  
19 extent feasible, the altered portions of the facility are readily  
20 accessible to and usable by individuals with disabilities, including  
21 individuals who use wheelchairs or to ensure that, to the maximum  
22 extent feasible, the path of travel to the altered area and the  
23 bathrooms, telephones, and drinking fountains serving the altered  
24 area, are readily accessible to and usable by individuals with  
25 disabilities where such alterations to the path or travel or the  
26 bathrooms, telephones, and drinking fountains serving the altered area  
27 are not disproportionate to the overall alterations in terms of cost and  
28 scope. 42 U.S.C. § 12183(a)(2).

1           21. Where parking spaces are provided, accessible parking spaces shall be  
2 provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every  
3 eight accessible spaces, but not less than one, shall be served by an access aisle 96 in  
4 (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA  
5 Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall  
6 be a van accessible parking space. 2010 ADA Standards § 208.2.4.

7           22. Under the ADA, the method and color of marking are to be addressed by  
8 State or local laws or regulations. See 36 C.F.R., Part 1191. Under the California  
9 Building Code (“CBC”), the parking space identification signs shall include the  
10 International Symbol of Accessibility. Parking identification signs shall be reflectorized  
11 with a minimum area of 70 square inches. Additional language or an additional sign  
12 below the International Symbol of Accessibility shall state “Minimum Fine \$250.” A  
13 parking space identification sign shall be permanently posted immediately adjacent and  
14 visible from each parking space, shall be located with its centerline a maximum of 12  
15 inches from the centerline of the parking space and may be posted on a wall at the  
16 interior end of the parking space. See CBC § 11B-502.6, et seq.

17           23. Parking spaces complying with 502 shall be provided in accordance with  
18 Table 208.2 except as required by 208.2.1, 208.2.2, and 208.2.2.3. 2010 ADA Standards  
19 § 208.2. Where more than one parking facility is provided on a site, the number of  
20 accessible spaces provided on the site shall be calculated according to the number of  
21 spaces required for each parking facility. *Id.*

22           24. Here, Defendants failed to provide adequate numbers of accessible parking  
23 spaces in its facility as there was only one accessible parking space while there were  
24 more than 25 regular parking spaces for the parking lot.

25           25. A public accommodation shall maintain in operable working condition those  
26 features of facilities and equipment that are required to be readily accessible to and usable  
27 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).









1 case less than one thousand dollars (\$1,000) and any attorney's fees that may be  
2 determined by the court in addition thereto, suffered by any person denied the rights  
3 provided in Section 54, 54.1, and 54.2.

4 37. California Civil Code § 54(d) specifies, "a violation of the right of an  
5 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also  
6 constitute a violation of this section, and nothing in this section shall be construed to limit  
7 the access of any person in violation of that act.

8 38. The actions and omissions of Defendants alleged herein constitute a denial  
9 of full and equal accommodation, advantages, and facilities by physically disabled  
10 persons within the meaning of California Civil Code § 54. Defendants have  
11 discriminated against Plaintiff in violation of California Civil Code § 54.

12 39. The violations of the California Disabled Persons Act caused Plaintiff to  
13 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for  
14 statutory damages as specified in California Civil Code §55.56(a)-(c).

#### 15 **FOURTH CAUSE OF ACTION**

##### 16 **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

17 40. Plaintiff incorporates by reference each of the allegations in all prior  
18 paragraphs in this complaint.

19 41. Plaintiff and other similar physically disabled persons who require the use of  
20 a wheelchair are unable to use public facilities on a "full and equal" basis unless each  
21 such facility is in compliance with the provisions of California Health & Safety Code §  
22 19955 et seq. Plaintiff is a member of the public whose rights are protected by the  
23 provisions of California Health & Safety Code § 19955 et seq.

24 42. The purpose of California Health & Safety Code § 1995 et seq. is to ensure  
25 that public accommodations or facilities constructed in this state with private funds  
26 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of  
27 Title 1 of the Government Code. The code relating to such public accommodations also  
28 require that "when sanitary facilities are made available for the public, clients, or

1 employees in these stations, centers, or buildings, they shall be made available for  
2 persons with disabilities.

3 43. Title II of the ADA holds as a “general rule” that no individual shall be  
4 discriminated against on the basis of disability in the full and equal enjoyment of goods  
5 (or use), services, facilities, privileges, and accommodations offered by any person who  
6 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).  
7 Further, each and every violation of the ADA also constitutes a separate and distinct  
8 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an  
9 award of damages and injunctive relief pursuant to California law, including but not  
10 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

11 **FIFTH CAUSE OF ACTION**

12 **NEGLIGENCE**

13 44. Plaintiff incorporates by reference each of the allegations in all prior  
14 paragraphs in this complaint.

15 45. Defendants have a general duty and a duty under the ADA, Unruh Civil  
16 Rights Act and California Disabled Persons Act to provide safe and accessible facilities  
17 to the Plaintiff.

18 46. Defendants breached their duty of care by violating the provisions of ADA,  
19 Unruh Civil Rights Act and California Disabled Persons Act.

20 47. As a direct and proximate result of Defendants’ negligent conduct, Plaintiff  
21 has suffered damages.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff respectfully prays for relief and judgment against  
24 Defendants as follows:

25 1. For preliminary and permanent injunction directing Defendants to comply  
26 with the Americans with Disability Act and the Unruh Civil Rights Act;

27 2. Award of all appropriate damages, including but not limited to statutory  
28 damages, general damages and treble damages in amounts, according to proof;

1           3.     Award of all reasonable restitution for Defendants' unfair competition  
2 practices;

3           4.     Reasonable attorney's fees, litigation expenses, and costs of suit in this  
4 action;

5           5.     Prejudgment interest pursuant to California Civil Code § 3291; and

6           6.     Such other and further relief as the Court deems just and proper.

7                               **DEMAND FOR TRIAL BY JURY**

8           Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby  
9 demands a trial by jury on all issues so triable.

10  
11 Dated: March 22, 2024

SO. CAL. EQUAL ACCESS GROUP

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14 By: /s/ Jason J. Kim  
15 Jason J. Kim, Esq.  
16 Attorneys for Plaintiff  
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